

## APPEAL NO. 010454

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 2, 2001. The hearing officer determined that the compensable injury of the appellant (claimant) did not extend to her wrists. Claimant appealed, contending that this determination is against the great weight and preponderance of the evidence and also that the hearing officer erred in excluding a medical report from Dr. W. Respondent (carrier) responds that the Appeals Panel should affirm the decision and order.

### DECISION

We affirm.

Claimant contends the hearing officer erred in excluding the first page of claimant's Exhibit No. 1, a medical record from Dr. W. Claimant complains that the record is important because it summarizes the mechanism of injury, her treatment history, and his medical opinion regarding causation. The hearing officer excluded the evidence for failure to timely exchange. The excluded, rather brief record stated that claimant fell on her hands and knees, that she has a "positive [Phalen's]" sign, that she has traumatic carpal tunnel syndrome, and that conservative treatment failed. Other medical evidence in the record states these very same things, with the exception of the description of the mechanism of injury. However, claimant testified regarding the mechanism of injury and said she did not fall to the floor on her hands and knees. Other medical records describe claimant's fall. Even assuming there was error in the exclusion of the record, we conclude that any possible error is harmless because similar evidence was otherwise admitted. Texas Workers' Compensation Commission Appeal No. 992078, decided November 5, 1999.

Claimant also contends that the hearing officer erred in determining that her injury did not extend to her wrists. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge